

November 30, 2011

Perioperative Colleagues,

A recap of where we are:

SB 538 (Price) The Board of Registered Nurses (BRN) Sunset Bill was a bill proposing the extension of the BRN until 2016. The purpose of a Sunset Renewal Bill is to go through a process to prove the Boards and Bureaus protect the public and are meeting statutory requirements. These Sunset Renewal bills occur every 3 to 5 years. The bill was moving through the process with no known problems. The bill passed both houses and was sent to the Governor for signature. On October 9, 2011, the Governor returned the bill to the Senate without signature. This a method used to veto a bill.

Since this time, it has become evident that the Department of Consumer Affairs (DCA) was notified that the Department of Finance wanted language to clarify the investigators being hired by the BRN were in fact *non-sworn officers*. DCA never notified the BRN of the problem with the language. At issue is a job category of *sworn vs non-sworn officers*, one of which is a higher pay grade because of inherent danger associated with the job. Within the language was a potential for an impact of an increase of pensions. State pensions are a problem the Governor has been attempting to resolve.

The BRN Board is responsible for protecting the consumer of our state by regulating and enforcing the following:

- Licensing of Registered Nurses
- Renewing licenses of Registered Nurses.
- Approval of student nurses to sit for the NCLEX exam
- Approval of minor curriculum changes in nursing programs
- Approval of major curriculum changes in nursing programs
- Certifying nurse practitioners to practice in CA
- Issue licenses to Registered Nurses coming for contract work in CA (approx. 4,000/year)
- Processing foreign nurses licenses
- Multiple disciplinary functions

Stopping these responsibilities of the Board will have a great impact on patient care, nursing education and consumer safety in our state.

So where are we? Well, we have gone through the *he said/she said and finger pointing*. Nurses across the state have been asked to write to the Governor, the Senate pro Tem and the Speaker of the Assembly to resolve the issue prior to 12/31/2011 when the Board ceases to exist.

As you can see time is not on our side. What is not being discussed very much is the status of the employees of the BRN. Mixed messages abound—*don't worry the DCA will absorb you* to *no one is clear what will happen after 12/31/2011*. One thing we do know is the Governor in his veto letter stated when the Legislature reconvenes, to send him legislation restoring the BRN. He directed his administration to take all necessary actions under the law to protect consumers and nurses alike until the Board is reconstituted in January. This last sentence means the eight members of the Board will complete their *term* effective 12/31/2011 and the Governor will appoint a new Board in January of 2012.

At the November 18th BRN Board meeting a representative (lawyer) from the Governor's office presented a Memorandum of Understanding (MOU) to the Board. In the discussion the legislative Council stated the opinion that the DCA has no authority other than renewing licenses if the Board goes away. The MOU would give Louise Bailey, RN, presently the Executive Officer of the BRN, supervisory authority over the BRN staff to continue to do administrative duties until legislation is passed. The MOU protects the staff and defines limited action through the DCA. Without an appointed Board NO ACTION within the areas of responsibilities listed above can be taken. After discussion five Board members voted to sign the MOU. One member voted to oppose.

Your letters still can be of value. The Legislature will adjourn for the holiday break on 12/15/2011. Please write/re-write the following again. For best result, fax them.

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Thank you

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